

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

In Re:

WESTMOUNT GROUP, INC.

Debtor

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**Case No. 21-30633-hcm
(Chapter 7)**

MOTION TO DISMISS CHAPTER 7 CASE

If you object to the relief requested, you must respond in writing, specifically answering each paragraph of this pleading. Unless otherwise directed by the court, you must file your response with the clerk of the bankruptcy court within 21 days from the date you were served with this pleading. You must serve a copy of your response on the person who sent you the notice; otherwise, the court may treat the pleading as unopposed and grant the relief requested.

TO THE HONORABLE JUDGE OF SAID COURT:

WESTMOUNT GROUP, INC. ("Debtor") files this Motion to Dismiss Chapter 7 Case and would show as follows:

1. This Motion is filed under 11 U.S.C. Sec. 707(a) and Fed.R.Bankr.P. 9023.
2. This case was filed under Chapter 11 of the United States Bankruptcy Code on August 23, 2021.
3. On October 26, 2021, the Court entered an Order converting the debtor's case to a Chapter 7. In converting the case, the Court found that cause existed to grant relief under 11 U.S.C. Sec. 1112 and that conversion would be in the best interest of creditors.
4. Debtor requests that the Court reconsider the remedy of conversation and dismiss the case instead.
5. The Debtor filed this case to deal with claims arising from a State Court Action. The Debtor had hoped to submit a plan which would pay creditors more than they would receive in a Chapter 7 liquidation.

6. The claims in the State Court Action are disputed, especially the claim of Albert Flores.

7. The State Court Action had a tortured procedural history because relief was sought against assets of Westmount Group, Inc. although Westmount Group, Inc. was not a party to the litigation.

8. Because Westmount Group, Inc. voluntarily intervened in the State Court Action, the State Court would have jurisdiction to extend its orders to Westmount Group, Inc. and correct the jurisdictional defect which previously existed.

9. Debtor is willing to accept a bar on refileing or any other conditions the court might impose as a condition of dismissal.

Respectfully Submitted,

BARRON & NEWBURGER, P.C.

7320 N. Mopac Expy, Suite 400

Austin, Texas 78731

(512) 649-3243

(512) 476-9253 Facsimile

/s/Stephen W. Sather

Stephen W. Sather

State Bar No. 17657520

ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by first class mail, postage prepaid and properly addressed, on October 29, 2021 to all parties listed on the attached Service List and/or electronically by the Court's ECF system to all parties registered to receive such service.

/s/Stephen W. Sather

Stephen W. Sather

Label Matrix for local noticing
0542-3
Case 21-30633-hcm
Western District of Texas
El Paso
Thu Oct 28 09:28:47 CDT 2021

Westmount Group, Inc.
810 N. Kansas Street
El Paso, TX 79902-5207

U.S. BANKRUPTCY COURT
511 E. San Antonio Ave., Rm. 444
EL PASO, TX 79901-2417

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El Paso, TX 79912-5134

Albert Flores
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City of El Paso
c/o Don Stecker
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San Antonio, TX 78205-1588

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c/o Shakira Kelley
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Plano, TX 75024-7164

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End of Label Matrix
Mailable recipients 19
Bypassed recipients 0
Total 19